

**Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

Final

**AIR QUALITY PERMIT
Issued under 401 KAR 52:030**

Permittee Name: Lingo Manufacturing Co., Inc.
Mailing Address: 7400 Industrial Road, Florence, KY 41042

Source Name: Lingo Manufacturing Co., Inc.
Mailing Address: 7400 Industrial Road
Florence, KY 41042

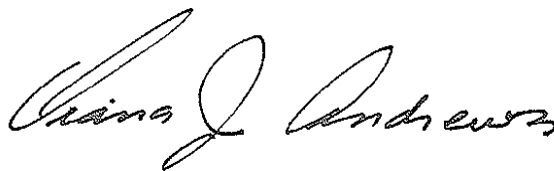
Source Location: 7400 Industrial Rd., Florence, Kentucky

Permit ID: F-08-001
Agency Interest #: 209
Activity ID: APE20070001
Review Type: Conditional Major, Operating
Source ID: 21-015-00011

Regional Office: Florence Regional Office
8020 Veterans Memorial Drive, Suite 110
Florence, KY 41042
(859) 525-4923

County: Boone

Application
Complete Date: November 9, 2007
Issuance Date: May 1, 2008
Revision Date:
Expiration Date: May 1, 2013



**John S. Lyons, Director
Division for Air Quality**

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	Permit type	Activity#	Complete Date	Issuance Date	Summary of Action
F-97-014	Initial	E689	7/9/1997	12/9/1997	Initial Conditional Major Permit
F-03-005	Renewal	55385	2/6/2003	5/13/03	Permit Renewal
F-03-005 R1	Minor Revision	55385	2/6/2003	10/5/2004	Minor Revision to the Permit
F-08-001	Renewal	APE2007001	11/9/2007	5/1/2008	Permit Renewal

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:030, Federally-enforceable permits for non-major sources.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**EP 01 (-) Resistance Welding**

Description: The emission point consists of a resistance welding line where sheet metal is fabricated into metal display racks.

Control Device: None

Construction commenced: August 25, 1980

APPLICABLE REGULATIONS:

401 KAR 59:010, New process operations, applicable to each affected facility or source associated with process operations, which are not subject to another emission standard with respect to particulate, commenced on or after July 2, 1975.

1. Operating Limitations:

The rate of materials used in affected facilities shall not produce emissions which exceed the limitations as described in Section B(2) below.

2. Emission Limitations:

- a. 401 KAR 59:010, New process operations,
Section 3, PM emissions shall not exceed the hourly allowable rate of 2.34 lbs/hr.
- b. 401 KAR 59:010, New process operations,
Section 3, Visible emissions shall not equal or exceed 20% opacity.

Compliance Demonstration Method:

If deemed necessary, the Cabinet shall require testing in accordance with 40 CFR 60 Appendix A, Methods 9 and 5, respectively. Otherwise, compliance with the emission limitations is assumed.

3. Testing Requirements:

Testing shall be conducted at such times as may be required by the Cabinet in accordance with Regulation 401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 4.

4. Specific Monitoring Requirements: None**5. Specific Recordkeeping Requirements: None****6. Specific Reporting Requirements: None****7. Specific Control Equipment Operating Conditions: None**

SECTION B – AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

EP 02 (1) Automatic Paint Booth

Description: The emission point consists of an automated paint spray booth. The spray booth consists of three AEROBELL Sprayers (RPM-5093-XSX). 3300 Series SPRA-GARD High Efficiency Paint Arrestors are utilized to control particulate emissions. The estimated control efficiency of the filters is 90%.

Construction commenced: April 1, 1992.

EP 03 (2) Automatic Paint Booth

Description: The emission point consists of an automated paint spray booth. The spray booth consists of three AEROBELL Sprayers (RPM-5093-XSX). 3300 Series SPRA-GARD High Efficiency Paint Arrestors are utilized to control particulate emissions. The estimated control efficiency of the filters is 90%.

Construction commenced: April 1, 1992.

EP 04 (3) Manual Paint Booth

Description: The emission point consists of a manual paint spray booth. The spray booth consists of a Mid size Maximum Performance HVLP paint spray gun. 3300 Series SPRA-GARD High Efficiency Paint Arrestors are utilized to control particulate emissions. The estimated control efficiency of the filters is 90%.

Construction commenced: April 1, 1992.

APPLICABLE REGULATIONS:

401 KAR 59:010. New process operations is applicable to each affected facility (EP 02, EP 03 and EP 04) which are not subject to another emission standard with respect to particulate, commenced on or after July 2, 1975.

40 CFR 60, Subpart EE, Standards of Performance for Surface Coating of Metal Furniture is applicable to each metal furniture surface coating operation in which organic coatings are applied and on which construction, modification, or reconstruction is commenced after November 28, 1980.

1. Operating Limitations:

- a. The usage rate of raw materials in all affected facilities shall be restricted so the emission limitations set forth in Section D are not exceeded.
- b. 401 KAR 59:010
Particulate filters shall be in place and functional at all times of operation.

2. Emission Limitations:

- a. 401 KAR 59:010 Section 3(1)(a) limits visible emissions from each stack to less than 20% opacity.

SECTION B – AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**Compliance Demonstration Method:**

The permittee shall perform a qualitative visual observation of the opacity of emissions from the roof top stack at least once per operating week and maintain a log of the observations. If visible emissions from the stack are seen (not including condensed water vapor within the plume), then the opacity shall be determined by Reference Method 9. If emissions are in excess of the applicable opacity limit, then an inspection shall be initiated of control equipment for all necessary repairs.

- b. 401 KAR 59:010 Section 3(2) limits emissions of particulate matter from each spray booth to a maximum of 2.34 lbs/hr.

Compliance Demonstration Method:

Demonstrate that all particulate filters are in place whenever a spray booth is in operation. When filters are in place and functional, compliance is assumed.

- c. For source wide HAP emission limitations, see Section D.1.b and c.
- d. For source wide VOC emission limitation, see Section D.1.a.
- e. The permittee shall comply with the emission limitations of 40 CFR 60.312 as follows:

Standard for volatile organic compounds (VOC).

On and after the date on which the initial performance test is conducted, the emission of VOC shall not exceed 0.90 kilogram per liter (7.51 pounds of VOC per gallon) of coating solids applied (volume-weighted calendar month average).

Performance tests and compliance provisions.

The permittee shall use the following procedures for determining monthly volume-weighted average emissions of VOC's in kilograms per liter of coating solids applied (G).

- (1) The permittee shall determine the composition of the coatings by formulation data supplied by the manufacturer of the coating or by an analysis of each coating, as received, using Method 24. The permittee shall determine the volume of coating and the mass of VOC-solvent used for thinning purposes from company records on a monthly basis.

The procedure for calculating the volume-weighted average of the total mass of VOC's consumed per unit volume of coating solids applied (G) during each calendar month for each affected facility is as follows.

SECTION B – AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- (A) Calculate the mass of VOC's used ($M_o + M_d$) during each calendar month for each affected facility by the following equation:

$$M_o + M_d = \sum_{i=1}^n L_{ci} D_{ci} W_{oi} + \sum_{j=1}^m L_{dj} D_{dj}$$

Where,

D_c =density of each coating, as received (kilograms per liter)

D_d =density of each diluent VOC-solvent (kilograms per liter)

L_d =the volume of each diluent VOC-solvent added to coatings (liters)

M_d =the mass of diluent VOC-solvent consumed (kilograms)

M_o =the mass of VOC's in coatings consumed, as received (kilograms)

W_o =the proportion of VOC's in each coating (or input stream), as received (fraction by weight)

n = the number of different coatings used during the calendar month

m = the number of different diluent VOC-solvents used during the calendar month.

- (B) Calculate the total volume of coating solids used (L_s) in each calendar month for each affected facility by the following equation:

$$L_s = \sum_{i=1}^n V_{si} L_{ci}$$

Where,

L_c =the volume of each coating consumed, as received (liters)

L_s =the volume of coating solids consumed (liters)

V_s =the proportion of solids in each coating (or input stream), as received (fraction by volume)

n = is the number of different coatings used during the calendar month.

- (C) (i) Calculate the volume-weighted average mass of VOC's consumed per unit volume of coating solids applied (G) during the calendar month for each affected facility by the following equation:

$$G = \frac{M_o + M_d}{L_s \times T}$$

Where,

L_s =the volume of coating solids consumed (liters)

M_d =the mass of diluent VOC-solvent consumed (kilograms)

SECTION B – AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

M_o =the mass of VOC's in coatings consumed, as received (kilograms)

T=the transfer efficiency (fraction)

- (ii) Calculate the volume-weighted average of VOC emissions to the atmosphere (N) during the calendar month for each affected facility by the following equation:

$$N=G$$

- (iii) Where the volume-weighted average mass of VOC discharged to the atmosphere per unit volume of coating solids applied (N) is less than or equal to 0.90 kilogram per liter, the affected facility is in compliance.
- (iv) If each individual coating used by an affected facility has a VOC content, as received, which when divided by the lowest transfer efficiency at which the coating is applied, results in a value equal to or less than 0.90 kilogram per liter, the affected facility is in compliance provided no VOC's are added to the coatings during distribution or application.

3. Testing Requirements:

- a. Pursuant to Regulations 401 KAR 61:005 Section 2 (2) and 401 KAR 50:45 Section 1, performance testing using the Reference methods specified in Regulation 401 KAR 50:015 shall be conducted as required by the Division.
- b. Pursuant to 40 CFR 60, Subpart EE, Section 60.313(b) & 60.316, the permittee shall conduct an initial performance test as required under 40 CFR 60, Subpart EE, Section 60.8(a) and thereafter a performance test each calendar month for each affected facility. The performance tests shall be performed according to the procedures of 40 CFR 60, Subpart EE, Section 60.313 (c).
- c. Test methods and procedures shall be performed according to 40 CFR 60, Subpart EE, Section 60.316.

4. Specific Monitoring Requirements:

- a. The permittee shall perform daily inspections of the exhaust filters to ensure that they are properly seated against the back wall of the paint booth.
- b. Resistance to airflow across the booth filters shall be monitored by use of manometric gauge, manometer or other means, as an indicator of the need for filter maintenance. Reading from the chosen instrument shall be taken at a minimum of once each 8 hours of operation.

SECTION B – AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**5. Specific Record Keeping Requirements:**

- a. The permittee shall maintain a log of the pressure drop readings across the particulate filters, including the time, date, identity of the personnel making the record, the dates of filters, replacements. For any booth that is not in operation on a given date, this fact should also be noted.
- b. Record keeping requirements for source wide VOCs emissions, See Section D.2.
- c. Pursuant to 40 CFR 60, Subpart EE, Section 60.315:
 - i. The permittee shall maintain records of all data and calculations used to determine VOC emissions from each affected facility. Such records shall include, as a minimum the following:
 - A list of all coatings used during each calendar month;
 - The VOC content of each coating calculated from data determined using Reference Method 24 or supplied by the coating manufacturer;
 - The minimum transfer efficiency of any coating application equipment used during each month;
 - A list of all diluent VOC solvents used during each calendar month.
 - ii. The permittee shall identify and maintain a record of each instance in which the volume-weighted calendar month average of the total mass of VOC's emitted to the atmosphere per volume of applied coating solids is greater than 0.90 kilogram.

6. Specific Reporting Requirements:

Pursuant to 40 CFR 60, Subpart EE, Section 60.315 (b), every calendar quarter, the permittee shall submit a written report to the Florence Regional Office identifying each instance in which the calendar month volume-weighted average of the total mass of VOCs emitted to the atmosphere per volume of applied coating solids exceeded 0.90 kilogram of VOC per liter of coating solids applied. If no such instances occurred during a particular quarter, a report stating this shall be submitted semiannually in January and July.

7. Specific Control Equipment Operating Conditions:

The exhaust filters to control particulates shall be in place and operational at all times when the affected facility is operating and shall be maintained in accordance with the Section 4, Specific Monitoring Requirements.

8. Alternate Operating Scenarios:

None

9. Compliance Schedule:

None

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:030, Section 6. Although these activities are designated as insignificant the permittee must comply with the applicable regulation. Process and emission control equipment at each insignificant activity subject to a general applicable regulation shall be inspected monthly and a qualitative visible emissions evaluation made. Results of the inspections and observations shall be recorded in a log, noting color, duration, density (heavy or light), cause, and any corrective actions taken due to abnormal visible emissions.

<u>UNIT #</u>	<u>Description</u>	<u>Generally Applicable Regulation</u>
2	3 Stage Washer – Indirect Fired Heat Exchanger	401 KAR 59:015
4	Bake Oven	None

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.

1. Source wide Emission Limitations:

In order to maintain Conditional Major status, source wide emissions shall not exceed the limits listed below:

- a. **VOC:** To preclude the applicability of administrative regulation of 401KAR 59:225, New miscellaneous metal parts and products surface coating operations, the permittee shall keep source wide emissions of VOCs no greater than twenty (20) tons during any consecutive 12 month period.

Compliance Demonstration Method:

$$\text{Actual VOC emissions} = \sum_{i=1}^n M_i \rho_i \quad \text{Equation 1}$$

Where,

ρ = weight percent of VOC in each solvent containing material less water and /or exempt solvent

i = individual solvent containing material (paint, thinner, cleaner, etc.)

n = total number of solvent containing material used

M = Pounds of solvent containing material "i" used

- b. **HAP:** To preclude Major Source Title V review, the permittee shall keep source wide emissions of single HAP no greater than 9 tons during any consecutive 12 month period.

Compliance Demonstration Method:

$$\text{Single } HAP_j \text{ emissions} = \sum_{i=1}^n M_i \rho_i \quad \text{Equation 2}$$

Where,

ρ = weight percent of HAP_j in material "i"

i = individual solvent containing material (paint, thinner, cleaner, etc.)

n = total number of solvent containing material used containing single HAP_j

M = Pounds of solvent containing material "i" used

- c. **HAPs:** To preclude Major Source Title V review, the permittee shall keep source wide emissions of combined HAPs no greater than 20 tons during any consecutive 12 month period.

SECTION D – SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS (CONTINUED)**Compliance Demonstration Method:**

$$\text{Combined HAP emissions} = \sum_{j=1}^m \text{HAP}_j \quad \text{Equation 3}$$

Where,

j = individual HAP emission

m = total number of single HAP emissions

2. Specific Record Keeping Requirements:

- a. Monthly records shall be kept of all adhesives, stains, sealers, thinners, and clean-up solutions used, including the type, amount, VOC content by weight percent, less any water and/or exempt solvent.
- b. Monthly records shall be kept of all materials containing HAP(s) used for the above affected facilities, including the product type, amount used and weight percentages of all individual HAPs.
- c. VOC and HAP emissions shall be calculated monthly applying equations 1 through 3 of this section, and every month, a new 12-month rolling total for VOC and HAP emissions shall be calculated.
- d. All records shall be retained by the source for a period of five years. These records, as well as purchase orders and invoices for all VOC/HAP containing materials, shall be made available for inspection upon request by any authorized representative of the Division for Air Quality.

3. Specific Reporting Requirements:

- a. Any deviations from requirements of section B shall be reported.
- b. The VOC/HAP emission calculation for each month in the semi-annual period shall be reported.
- c. The rolling 12 month total for VOC/HAP during each month in the semi-annual period shall be reported.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b-IV-1 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place (as defined in this permit), and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [401 KAR 52:030 Section 3(1)(f)1a and Section 1a-7 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
3. In accordance with the requirements of 401 KAR 52:030 Section 3(1)f the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
 - b. To access and copy any records required by the permit;
 - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Sections 1b-V-1 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:030 Section 22. If continuous emission and opacity monitors are required by regulation or this permit, data shall be reported in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7 above) to the Regional Office listed on the front of this permit within 30 days. Deviations from permit requirements, including those previously reported under F.7 above, shall be included in the semiannual report required by F.6 [Sections 1b-V, 3 and 4 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
9. Pursuant to 401 KAR 52:030, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit in accordance with the following requirements:
 - a. Identification of each term or condition;
 - b. Compliance status of each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent;
 - d. The method used for determining the compliance status for the source, currently and over the reporting period.
 - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

- f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications shall be mailed to the following addresses:

Division for Air Quality
Florence Regional Office
8020 Veterans Memorial Drive, Suite 110
Florence, KY 41042

Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601

10. In accordance with 401KAR 52:030, Section 3(1)(d), the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee. If a KYEIS emission survey is not mailed to the permittee, then the permittee shall comply with all other emission reporting requirements in this permit.
11. The Cabinet may authorize the temporary use of an emission unit to replace a similar unit that is taken off-line for maintenance, if the following conditions are met:
- a. The owner or operator shall submit to the Cabinet, at least ten (10) days in advance of replacing a unit, the appropriate Forms DEP7007AI to DD that show:
 - (1) The size and location of both the original and replacement units; and
 - (2) Any resulting change in emissions;
 - b. The potential to emit (PTE) of the replacement unit shall not exceed that of the original unit by more than twenty-five (25) percent of a major source threshold, and the emissions from the unit shall not cause the source to exceed the emissions allowable under the permit;
 - c. The PTE of the replacement unit or the resulting PTE of the source shall not subject the source to a new applicable requirement;
 - d. The replacement unit shall comply with all applicable requirements; and
 - e. The source shall notify Regional office of all shutdowns and start-ups.
 - f. Within six (6) months after installing the replacement unit, the owner or operator shall:
 - (1) Re-install the original unit and remove or dismantle the replacement unit; or
 - (2) Submit an application to permit the replacement unit as a permanent change.

SECTION G - GENERAL PROVISIONS**1. General Compliance Requirements**

- a. The permittee shall comply with all conditions of this permit. A noncompliance shall be a violation of 401 KAR 52:030 Section 3(1)(b) and a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to the termination, revocation and reissuance, revision, or denial of a permit [Section 1a-2 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- b. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a-5 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- c. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:030 Section 18. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - (1) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:030 Section 12;
 - (2) The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - (3) The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

- d. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the conditions of this permit [Sections 1a- 6 and 7 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- e. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division [401 KAR 52:030 Section 3(1)(c)].

SECTION G - GENERAL PROVISIONS (CONTINUED)

- f. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority [401 KAR 52:030 Section 7(1)].
- g. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a-11 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- h. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a-3 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- i. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens. [Section 1a-12-b of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- j. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038 Section 3(6) [Section 1a-9 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- k. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:030 Section 11(3)].
- l. This permit does not convey property rights or exclusive privileges [Section 1a-8 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- m. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Cabinet or any other federal, state, or local agency.
- n. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
- o. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.

SECTION G - GENERAL PROVISIONS (CONTINUED)

- p. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.
- q. Pursuant to 401 KAR 52:030, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
 - (1) Applicable requirements that are included and specifically identified in this permit; and
 - (2) Non-applicable requirements expressly identified in this permit.

2. Permit Expiration and Reapplication Requirements

- a. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:030 Section 12].
- b. The authority to operate granted through this permit shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:030 Section 8(2)].

3. Permit Revisions

- a. Minor permit revision procedures specified in 401 KAR 52:030 Section 14(3) may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:030 Section 14(2).
- b. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

4. Construction, Start-Up, and Initial Compliance Demonstration Requirements

No construction authorized by this permit.

SECTION G - GENERAL PROVISIONS (CONTINUED)**5. Testing Requirements**

- a. Pursuant to 401 KAR 50:045 Section 2, a source required to conduct a performance test shall submit a completed Compliance Test Protocol form, DEP form 6028, or a test protocol a source has developed for submission to other regulatory agencies, in a format approved by the cabinet, to the Division's Frankfort Central Office a minimum of sixty (60) days prior to the scheduled test date. Pursuant to 401 KAR 50:045, Section 7, the Division shall be notified of the actual test date at least Thirty (30) days prior to the test.
- b. Pursuant to 401 KAR 50:045 Section 5, in order to demonstrate that a source is capable of complying with a standard at all times, any required performance test shall be conducted under normal conditions that are representative of the source's operations and create the highest rate of emissions. If [When] the maximum production rate represents a source's highest emissions rate and a performance test is conducted at less than the maximum production rate, a source shall be limited to a production rate of no greater than 110 percent of the average production rate during the performance tests. If and when the facility is capable of operation at the rate specified in the application, the source may retest to demonstrate compliance at the new production rate. The Division for Air Quality may waive these requirements on a case-by-case basis if the source demonstrates to the Division's satisfaction that the source is in compliance with all applicable requirements.
- c. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.

6. Acid Rain Program Requirements

If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

7. Emergency Provisions

- a. Pursuant to 401 KAR 52:030 Section 23(1), an emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
 - (1) An emergency occurred and the permittee can identify the cause of the emergency;
 - (2) The permitted facility was at the time being properly operated;
 - (3) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
 - (4) The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two (2) working days of the time when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken.

SECTION G - GENERAL PROVISIONS (CONTINUED)

- (5) Notification of the Division does not relieve the source of any other local, state or federal notification requirements.
 - b. Emergency conditions listed in General Provision G.7.a above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:030 Section 23(3)].
 - c. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:030 Section 23(2)].
8. Ozone depleting substances
- a. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - (1) Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - (2) Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - (3) Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - (4) Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
 - (5) Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - (6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
 - b. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.
9. Risk Management Provisions
- a. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center
P.O. Box 1515
Lanham-Seabrook, MD 20703-1515.
 - b. If requested, submit additional relevant information to the Division or the U.S. EPA.

SECTION H - ALTERNATE OPERATING SCENARIOS

None

SECTION I - COMPLIANCE SCHEDULE

None